

Chairman Linda W. Cropp

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To ban possession of tobacco products by persons under 18 years of age in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ban on Possession of Tobacco Products by Minors Amendment Act of 2001".

Sec. 2. Chapter 117 of An Act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia, effective May 2, 1991 (D.C. Law 8-262; D.C. Code § 22-1120), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) By designating the existing text as paragraph (1); and

(2) By adding a new paragraph (2) to read as follows:

"(2) No person under 18 years of age shall possess any cigarette or other tobacco product in the District of Columbia, except that this paragraph shall not apply to a person

making a delivery of cigarettes or tobacco products in pursuance of lawful employment or to a person possessing products in the course of a valid and supervised law enforcement operation.".

(b) Subsection (c) is amended as follows:

(1) By designating the existing text as paragraph (1);

(2) By striking the phrase "subsection (a)" wherever it appears and by inserting the phrase "subsection (a)(1)" in its place; and

(3) By adding a new paragraph (2) to read as follows:

"(2) Any person who violates subsection (a)(2) of this chapter shall be subject to the following civil penalties, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code § 6-2701 *et seq.*):

"(A) For any violation, the person may be required to perform community service or attend a tobacco cessation program;

"(B) Upon the first violation, the person shall be subject to a civil penalty not to exceed \$50;

"(C) Upon the second and each subsequent violation, the person shall be subject to a civil penalty not to exceed \$100; and

"(D) Upon the third and each subsequent violation, the person may have his or her driving privileges in the District suspended for a period of 90 consecutive days.".

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 4. This act shall take effect upon its approval by the Mayor (or in the event of veto
by the Mayor, action by the Council to override the veto), approval by the Financial
Responsibility and Management Assistance Authority as provided in section 203(a) of the
Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109
Stat. 116, D.C. Code 47-392.3(a)), a 60-day period of Congressional review as provided in
section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
Stat. 813; D.C. Code 1-233(c)(2)), and publication in the District of Columbia Register.

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